

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**DALE E MATHENY**  
Claimant

**APPEAL NO. 07A-UI-07281-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 07/23/06 R: 03  
Claimant: Respondent (1)**

Section 96.5-1- j – Voluntary Quit Temporary Employment Firm

**STATEMENT OF THE CASE:**

Express Services, Inc. (employer) appealed a representative's July 23, 2007 decision (reference 04) that concluded Dale E. Matheny (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 14, 2007. The claimant participated in the hearing. Connie Cooper, the owner, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant registered to work for the employer in July 2006. The employer is a temporary staffing firm. On March 23, 2007, the employer assigned the claimant to a job. On June 21, 2007, the employer's client informed the employer that the claimant was no longer needed at this job assignment. On June 22, 2007, the employer informed the claimant his job assignment had ended. That same day, June 22, the claimant went to the employer's office to find out why he no longer had a job. The claimant asked if the employer had another job assignment. The employer's representative indicated there might be a painting job available, but this was not a definite job. Within two to three days, the claimant contacted the employer about the status of the painting job. The employer did not assign the claimant to the three-day painting job.

The employer talked to the claimant about another job for a client where the claimant had previously worked. When the claimant worked the first time for this client, the client indicated the claimant did not fit in. Also, the job only paid \$8.00 an hour and the claimant's average hourly

wage during his base period was \$12.75 per hour. When the employer did not have another job to assign to the claimant right away, the claimant did not stay in contact.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j.

Based on the facts in this case, the claimant complied with the requirements of Iowa Code § 96.5-1-j. The facts also establish that the claimant did not voluntarily quit his assignment or had been discharged for work-connected misconduct. The employer's client ended the claimant's assignment on June 21, 2007. The claimant became unemployed as of June 22 for nondisqualifying reasons. As of June 17, 2007, the claimant is qualified to receive unemployment insurance benefits.

**DECISION:**

The representative's July 23, 2007 decision (reference 04) is affirmed. The claimant became unemployed on June 22, 2007 for nondisqualifying reasons. As of June 17, 2007, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css